

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

MAGNOLIA ISLAND PLANTATION	§	CIVIL ACTION NO: 5:18-cv-01526
L.L.C. and BARBARA MARIE CAREY	§	
LOLLAR	§	
Plaintiffs	§	
	§	
VS	§	CHIEF JUDGE S. MAURICE HICKS, JR.
	§	
LUCKY FAMILY, L.L.C., W.A. LUCKY,	§	
III, and BOSSIER PARISH SHERIFF	§	
JULIAN C. WHITTINGTON	§	
	§	MAGISTRATE JUDGE KAREN HAYES
Defendants	§	Jury Trial Demanded

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**MOTION TO CONTINUE DEADLINES WITHOUT DATE**

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Pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure, plaintiffs Barbara Marie Carey Lollar and Magnolia Island Plantation, LLC hereby request that the Court enter an order continuing all unexpired pending deadlines in this matter to allow time for the Court to render rulings on the five motions for summary judgment pending before it.

1.

Trial is currently scheduled for April 13, 2020.<sup>1</sup> A variety of pre-trial deadlines are currently scheduled for the near future, including a deadline for the exchange of proposed pretrial orders and exhibits on February 7, 2020.

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<sup>1</sup> Rec. Doc. 52.

2.

The defendants have collectively filed four motions for summary judgment.<sup>2</sup> Mrs. Lollar has filed her own motion for partial summary judgment.<sup>3</sup> The motions present serious legal questions regarding complex sets of fact allegations. The parties drafted hundreds of pages of argument and included dozens of exhibits in the course of briefing the motions, which concluded just this week.<sup>4</sup>

3.

The Court's decisions on the motions for summary judgment will significantly impact the trial preparation process for all parties. If the Court granted any of these motions, several or all of the claims in the case would be completely resolved. The universe of disputed legal arguments and fact claims is wide, encompassing everything from the proper procedure for a Sheriff's sale to Constitutional due process issues. By narrowing or clarifying the scope of triable issues, the Court will enable the parties to more thoroughly detail the competing arguments at trial. The resolution of these claims before trial would substantially streamline trial preparation, promote judicial economy by narrowing the scope of the litigation, and aid in the efficient management of the case.

4.

Plaintiffs therefore respectfully request that Court enter an order continuing all pending unexpired deadlines without date, including the unexpired deadlines in the applicable scheduling order. Plaintiffs additionally request that the Court hold a scheduling conference after it rules on the motions for summary judgment to enable the parties to discuss new deadlines.

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<sup>2</sup> **Rec. Doc.** 79/92/94/96 (Sheriff); **Rec. Doc.** 82 and 83 (Lucky Family, LLC); **Rec. Doc.** 84 (W.A. Lucky).

<sup>3</sup> **Rec. Doc.** 80

<sup>4</sup> **Rec. Doc.** 121, 122, and 123, all filed on January 3, 2020.

5.

Undersigned has contacted counsel for the defendants. Sheriff Julian Whittington does not oppose this motion. Lucky Family, LLC and W.A. Lucky, III both oppose this motion.

Respectfully submitted by,

/s/ Randall S. Davidson  
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*Counsel for Barbara Marie Carey Lollar.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the above and foregoing was filed electronically with the Clerk of Court using the CM/ECF filing system, and notice of the same will be sent to all counsel of record by operation of the court's electronic noticing system.

Shreveport, Louisiana, on this 4<sup>th</sup> day of February, 2020.

s/ Randall S. Davidson  
OF COUNSEL